

UNITED STATES)	
	)	ORDER
V.)	
	)	MOTION FOR ENLARGEMENT OF
	)	TIME IN WHICH TO FILE LAW
	)	MOTIONS
KHALID SHEIKH MOHAMMED;)	
WALID MUHAMMAD SALIH	)	D-047 & D-049
MUBARAK BIN 'ATTASH;)	
RAMZI BIN AL SHIBH;)	
ALI ABDUL AZIZ ALI;	)	3 November 2008
MUSTAFA AHMED AL HAWSAWI))	

1. D-047 is a special request for relief from the defense (Bin Attash) for an indefinite enlargement of time to file law motions. D-049 is a joint defense special request for relief for an enlargement of time to file law motions until a date not earlier than 9 January 2009. By implication, both requests also contemplate a continuance of the established hearing date for law motions on 8 December 2008, or the scheduling of additional hearing dates for law motions filed after the previously ordered deadline.

2. D-047 is premised on claimed difficulties Mr. Bin Attash is encountering in dealing with matters associated with his case and communicating with his standby counsel. D-049 is premised on the volume of work associated with the planned motions by the defense.

3. The Commission has also considered the prosecution's responses to D-047 and D-049. The prosecution opposes the requested relief.

4. On 9 June 2008, the Commission issued the initial litigation schedule for this case. The due date for law motions was set for 11 July 2008. The hearing date for law motions was set for 28 July 2008.

5. On 1 July 2008, the Commission granted a continuance request by the defense that enlarged the filing time for law motions to 29 August 2008. The hearing date for law motions was continued until 24 September 2008.

6. On 27 August 2008, the Commission granted a second continuance request by the defense that enlarged the filing time for law motions to 3 November 2008. The hearing date for law motions was continued until 8 December 2008. (The Commission notes that per its 27 August 2008 order, requests for deviations from the filing due date for law motions were required to be submitted within 7 days prior to the date established. While the defense apparently relied on language in that order regarding coordination associated with the *transmission* of large numbers of motions, the provision in question is intended

only to reduce computer problems that might be occasioned by near simultaneous transmission of large numbers of PDF files. In the future, the parties are advised to submit any requests for deviation from ordered *filing* dates in accordance with the Commission's instructions.)

7. In D-049, the defense indicates that the several accused are prepared to file at least sixteen joint law motions not later than the ordered 3 November 2008 filing deadline. The defense asks that they be permitted to file those motions on 3 November 2008, and then be permitted to augment those filings with the remainder of their planned law motions at a later date.

8. With the understanding that at least sixteen joint law motions will be filed by the defense not later than 3 November 2008, the Commission finds that the interests of justice will be best served in this case by providing the defense additional time to prepare their additional planned law motions. It is also understood that this additional time will benefit the defense in its preparation for other stages of the trial process.

9. The sixteen motions referred to in D-049 should be filed today in accordance with the Commission's previous order. Any other motions that are ready now should be filed today as well. Any remaining law motions, other than those pertaining to capital sentencing issues, will be due to the Commission and opposing counsel not later than 17 November 2008.

10. Any remaining law motions beyond those submitted by 17 November 2008, to include any pertaining to capital sentencing issues, will be due to the Commission and opposing counsel not later than 12 January 2009.

11. The previously scheduled hearing date for law motions of 8 December 2008 remains in place for the following purposes:

- a. To receive evidence and hear oral argument re D-001 (Joint motion to dismiss for unlawful influence);

- b. To address the status of the discovery process;

- c. To hear oral argument on designated law motions submitted on 3 November 2008; and

- d. To address other matters to be designated by future correspondence.

12. The following modifications to the trial schedule are ordered in response to the continuance request by the Defense. Pursuant to RMC 707, the Commission finds that these delays serve the interest of justice, and outweigh the interest of the public and the parties in abiding by the previously ordered litigation schedule. The Commission further finds that all delay associated with this modification is the responsibility of the Defense for the purposes of RMC 707 accountability.

a. 17 November 2008: Any remaining law motions other than those pertaining to capital sentencing issues will be due to the Commission and opposing counsel and other *pro se* parties.

b. 8-12 December 2008: Hearing in GTMO on matters described in paragraph 11 above.

c. 12 January 2009: All law motions pertaining to capital sentencing issues due to the military judge and opposing counsel and other *pro se* parties.

d. TBD: Hearing/s in GTMO on additional law motions.

a. TBD: Discovery Motions Due

e. TBD: Evidentiary Motions. Evidentiary motions due to the military judge and opposing counsel/other *pro se* parties. In general, evidentiary motions are those which deal with the admission or exclusion of specific or general items or classes of evidence.

Note: Defense witness requests associated with any motions should be submitted to the trial counsel in accordance with R.M.C. 703 simultaneously with the filing of the motion (or Defense response in the case of a Government motion) in question. The Government response to any witness request will be due within five days of the submission of the request. Any Defense motion for production of witnesses in conjunction with a motion will be due to the court and opposing counsel within five days of receipt of a denied witness request.

f. TBD: Hearing in GTMO re Evidentiary Motions.

g. TBD: Submission of requested group *voir dire* questions for the Military Commission Members.

Note: The military judge intends to conduct all group voir dire questioning of the members per R.M.C. 912. The military judge's group voir dire will take counsel's requested questions into account as appropriate. The military judge will also conduct the initial follow-up individual voir dire based on responses to the group questions. Counsel will be permitted to conduct additional follow-up voir dire.

h. TBD: Defense Requests for Government Assistance in Obtaining Witnesses for use on the merits. See R.M.C. 703.

Note: The Government response to any witness request will be due within five days of the submission of the request. Any Defense motion for production of witnesses in conjunction with a motion will be due to the court and opposing counsel within five days of receipt of a denied witness request.

i. TBD: Hearing re Witness Production Motions and any unresolved matters.

j. TBD: Assembly and *Voir Dire* for Panel Members.

k. TBD: Beginning of trial on the merits.

11. Counsel should direct their attention to the Rules of Court, RC 3, Motions Practice, and specifically Form 3-1, 3-2, and 3-3, for the procedures the Commission has established for this trial. All motions, responses and replies shall comport with the terms of RC 3.6 in terms of timeliness. Any request for extension of any response or reply deadline associated with this hearing will be submitted before the deadline for the reply or response.

12. Requests for deviations from the timelines for hearings or for submission of motions established by this order must be submitted not later than 20 days prior to the date established, except for law motions for which requests for deviations from the due date must be submitted within 7 days prior to the date established.

Ordered this 3rd day of November 2008:

A handwritten signature in black ink, appearing to read 'R. H. Kohlmann', followed by a long horizontal line.

Ralph H. Kohlmann
Colonel, United States Marine Corps
Military Judge

To:

11/7/2008

Department of Defense

From: Jimenez, Christina, Capt, DoD OGC

Sent: Friday, October 24, 2008 5:27 PM

To: [REDACTED]

Subject: US v. Mohammed et al., defense special request for relief - Bin 'Attash

Sir,

Standby defense counsel on behalf of Mr. Bin 'Attash respectfully submit the following Special Request for Relief in the case of *United States v. Mohammed, et. al.*, specifically, an extension of time to file law motions. Due to the inherent inadequacy and other failings related to the government mandated contract for linguists and translations, the defense is unable to communicate with Mr. Bin 'Attash and requires more time to fully and properly advise him as to his options as to how to proceed.

1. Standby defense counsel is obligated to provide legal advice to Mr. Bin 'Attash throughout the commission process. Such obligation necessarily includes providing legal advice on all proposed motions, and making him aware of the substance and advisability of joining in any motions that his co-accuseds' may wish for him to join. During the 22-24 Sep 08, hearing the military judge ordered standby defense counsel to obtain the client's consent before submitting any written filings with the Commission. Since Mr. Bin 'Attash does not speak English standby defense counsel requires a linguist in order to communicate with him. That also requires standby defense counsel to explain complicated legal pleadings to both the translator and Mr. Bn 'Attash. In multiple rulings, starting on 9 Jun 08, the military judge has ordered, "stand by counsel for the *pro se* parties ... to coordinate to provide necessary and appropriate translator services to the *pro se* parties" Due to a failure in the system established by OMC, which has only one contract to provide defense linguists in this case, it is almost impossible to communicate the volume of information necessary to allow Mr. Bin 'Attash to make informed decisions as to how to proceed. Specifically, the defense cannot properly advise Mr. Bin 'Attash on proposed motions being considered by his co-accused so that he may choose to join, draft his own, or advise him on the current state of the law and discuss his motion ideas.

2. Mr. Bin 'Attash's linguistic difficulties have been ongoing since the start of trial and have been in plain sight. Defense counsel raised the issue to the Military Judge during the RMC 802 session on 4 Jun 08 after failing to resolve it through OMC channels. These difficulties have continued however and have

culminated in the current situation which does not involve the remaining issue regarding the inadequate translations performed in open court.

3. During the 22-24 Sep 08, timeframe the linguist attached to Mr. Bin 'Attash's case refused to translate a document requested by the defense, *inter alia*. Upon returning from the September hearing, standby defense counsel engaged the contractor, Allworld Language Consultants Inc. (ALC) to obtain a new linguist.

4. In cases necessitating a TS/SCI clearance, ALC is the sole provider of linguists to the defense. Moreover, the contract under which ALC linguists are provided requires all linguists to be cleared TS/SCI and no linguists can perform work under the contract until they are read onto the programs applicable to these accused. Until today, there were only three or four cleared linguists available to perform translation services for the entire defense though three more are scheduled to be read on the requisite programs on 24 Oct 08. Even that will offer little help given the monumental task of translation that the Court has imposed upon the defense.

5. As background, the process to obtain a linguist for the defense proceeds as follows: (1) defense counsel submit a written request to OMC, specifying the need for oral or written communications and the time period needed; (2) OMC forwards the written request to the contractor which in Mr. Bin 'Attash's case is only ALC; (3) ALC then contacts the defense team and coordinates the requested need. Defense has been directed by OMC to not deviate from this process or contact ALC without observing the above chain of command.

6. By 6 Oct 08, a replacement linguist with ALC had been identified for Mr. Bin 'Attash. The defense later learned however that he was not yet cleared to work. Between 13 and 17 Oct 08, ALC worked to ensure the security vetting on the replacement linguist was accomplished through DIA.

7. On 17 Oct 08, defense counsel submitted two requests for translators to accomplish various translation tasks for and on behalf of Mr. Bin 'Attash. The linguist assigned to accomplish the taskings was not cleared and therefore could not perform the work. From 17 – 22 Oct 08, defense counsel engaged ALC to obtain linguists that could perform the work. Three linguists were provided, but they could not accomplish all the work requested.

8. On 23 Oct 08, defense submitted an additional request for a linguist to OMC; seeking to accomplish the remainder of the work originally requested on 17 Oct 08. OMC has failed to act on that request despite the defense's persistent e-mail and telephone contact and with full knowledge that the Court has imposed the translation obligation upon the defense.

9. On 24 Oct 08, defense submitted an additional request for a linguist to OMC for new work. OMC has not acted on it at the time of this filing.

10. ALC requires its linguists to translate documents at a rate of 2000 words per day. 2000 words equate roughly to a five page motion. However, the legal language will likely reduce the number of words a linguist is able to translate in a given day. At this time, ALC has no cleared linguist to translate the documents Mr. Bin 'Attash requires. The filings in this case to date are over 1000 pages. The discovery index provided by the government is 287 pages. It will take a competent translator literally ages to comply with your Order. It bears noting that it is the obligation of the United States, and not defense counsel, to provide Mr. Bin 'Attash with a trial and sentencing proceeding that passes constitutional muster. Trying a man for his life while systematically depriving him of the ability to understand the proceedings hardly passes that test.

SPECIFIC RELIEF REQUESTED:

11. Mr. Bin 'Attash respectfully requests relief from filing law motions until such time as ALC can provide a cleared linguist to deliver the necessary services. In the alternative, defense respectfully requests reconsideration of the court's earlier order to permit standby defense counsel to file motions with the understanding that standby defense will withdraw from any motion Mr. Bin 'Attash later determines he does not wish to join.

JUSTIFICATION:

12. The government has provided and mandated the defense to obtain its linguist under the ALC contract. ALC is currently unable to provide cleared linguists and thereby not capable of accomplishing the needed translations. In light of standby defense's inability to meet both the military judge's order and Mr. Bin 'Attash's needs due to a government controlled contract, this is a reasonable request for relief from the 3 November deadline for law motions.

CONFERENCE

13. The defense has conferred with the prosecution and they have objected due to the open nature of the continuance request.

Respectfully submitted by:

LCDR JAMES HATCHER, JAGC, USNR

Capt CHRISTINA JIMENEZ, USAF

On behalf of Mr. Walid Muhammad Salih Mubarak Bin 'Attash

UNITED STATES OF AMERICA	)	D-047
)	
	)	PROSECUTION RESPONSE TO STAND-
	)	BY DEFENSE COUNSEL'S SPECIAL
	)	REQUEST FOR RELIEF FOR
	)	EXTENSION TO FILE LAW MOTIONS
)	
)	
v.)	
)	
)	
KHALID SHEIKH MOHAMMED)	
WALID MUHAMMAD SALIH)	
MUBARAK BIN ATTASH)	
RAMZI BINALSHIBH)	
ALI ABDUL AZIZ ALI)	
MUSTAFA AHMED ADAM AL)	
HAWSAWI	)	31 OCTOBER 2008

1. **Timeliness:** This response is timely filed.
2. **Relief Requested:** The Prosecution respectfully requests that the Commission deny Mr. Bin Attash's stand-by defense counsel's request for a continuance of law motions.
3. **Facts:**
 - I. On 7 and 8 April 2008, counsel were detailed to represent each of the accused. Assistant Detailed Defense Counsel and Civilian Counsel were later detailed to represent each of the accused in the following weeks.
 - II. On 15 April 2008, charges were sworn against each of the accused.
 - III. On 9 May 2008, charges were referred for trial.
 - IV. On 5 June 2008, the accused were arraigned.
 - V. On 9 June 2008, this Commission provided the parties with an initial trial schedule requiring all law motions to be filed by 11 July 2008.
 - VI. On 23 June 2008, stand-by defense counsel joined in a motion (D-011) to modify the existing schedule and sought an additional six to nine month extension to file law motions. The Prosecution's reply opposed the lengthy delay sought but agreed that some reasonable delay was appropriate.

- VII. On 1 July 2008, the Commission issued a revised trial schedule in response to the several defense requests for continuance. The Commission ordered that law motions be filed on 29 August 2008.
- VIII. On 22 August 2008, the stand-by defense counsel joined in a filing for an additional motion (D-022) seeking an enlargement of time to file the “initial defense law motions” in this case until 25 November 2008.
- IX. On 27 August 2008, in response to the Defense request, the Military Judge modified the trial schedule to require all law motions due to the Military Judge and opposing counsel and other pro se parties no later than 3 November 2008. The Military Judge noted that motion due dates are a “No Later Than” date, and advised parties to submit any motion, response, or reply when completed.
- X. The Convening Authority has two separate contracts with organizations to provide linguist and translation support for OMC; Allworld Language Consultants, Inc (“Allworld”) (which primarily provides the defense team interpreters, for U.S. v. Mohammed et. al.) and SM Consulting, Inc. (which primarily provides document translation services and defense team interpreters for non HVD cases and all in court simultaneous interpreters). (See Attachment A)
- XI. Allworld Language Consultants, Inc has approximately six interpreters and were contracted with primarily to provide cleared linguists to assist the defense teams in communicating with the High Value Detainees (“HVD”s) clients. (See Attachment A)
- XII. SM Consulting, Inc (“SMC”) has had a contract with OMC since 8 March 2008 and is a far larger company that has contracted with OMC to translate documents classified up to the TS/SCI level. (See Attachment A)
- XIII. For translation or linguist services, Defense counsel must make a written request for the services they require and forward them to the Convening Authority for action. The Convening Authority checks to see if the request was filled out correctly, to include the classification level of the request, and then forwards it to the company; which will acknowledge receipt of the request in an email to the Convening Authority and the detailed defense counsel. (See Attachment A).
- XIV. The Defense counsel controls which company it requests services through, the requested suspense date for the translations, and have the ability to request a specific translator to translate the documents. As of the date of this filing, the Convening Authority’s office has never been informed that either of the companies has missed a suspense date for document translation request. (See Attachment A).
- XV. All requests for written translations of documents, whether it is through the defense team linguists from Allworld, or the translation teams at SMC, must be a

separate request through the Convening Authority's office as the translations require a quality control check from other linguists. (See Attachment A).

- XVI. Between 2 May 2008 and 28 October 2008, the Convening Authority's office has received and responded to at least fourteen separate requests for linguist support or translation services from standby-defense counsel (or their paralegals) for Mr. Bin 'Attash (See Attachment A).
- XVII. 23 September 2008 was the last date that the Prosecution provided discovery to the defense. To date, the prosecution has produced over 40,000 pages of discovery. Although it intends to provide more discovery in the future, it has not provided any discovery since that date. Included in that discovery was a 287 page evidence index.
- XVIII. On 6 October 2008 the Defense notified the Convening Authority's Office that they no longer wanted its then-current linguist's ("Linguist A") services and would like to have another linguist. Stand-by defense counsel also stated to the Convening Authority's office, that they would continue to utilize "Linguist A's" services from 14-16 October 08. On that day, stand-by defense counsel was notified that another linguist ("Linguist B") would be presented to their client as an option to work with Mr. Bin Attash. (See Attachment A).
- XIX. On 14 October 2008, stand-by defense counsel for Mr. Bin Attash approved "Linguist B" to be their translator, and on that day the Convening Authority took steps to get Linguist B cleared for TS/SCI. (See Attachment A).
- XX. On 17 October 2008 stand-by defense counsel for Mr. Bin Attash, for the first time, requested that documents be translated (as opposed to a request for other linguist services), asking for a translator for completion of 30 documents and to communicate with a witness from 21-22 October. This request was made to Allworld. (See Attachment A).
- XXI. On 23 October 2008, standby-defense counsel further requested two or three translators to translate 1 document totaling 287 pages and set the suspense date as 8 November 2008. This request was made to SMC (See Attachment A).
- XXII. On 24 October 2008 "Linguist B" obtained his Top Secret/SCI clearance (See Attachment A).
- XXIII. On 24 October 2008 another request was made by stand-by defense counsel to translate 46 pages by 8 November 2008. This request was made to Allworld. (See Attachment A).
- XXIV. On 27 October 2008 a request was made to translate 15 pages and then an additional 26 pages by 3 November 2008. This request was made to Allworld (See Attachment A).

XXV. On 28 October 2008 a request was made by stand-by defense counsel to translate 18 pages by 3 November 2008. This request was made to Allworld (See Attachment A).

4. Argument:

- a. Stand-by defense counsel claim that “due to the inherent inadequacy and other failings related to the government mandated contract for linguists and translations, the stand-by defense counsel is unable to communicate with Mr. Bin ‘Attash and requires more time to fully and properly advise him as to his options as to how to proceed” and that, “due to a failure in the system established by OMC, which has only one contract to provide defense linguists in this case, it is almost impossible to communicate the volume of information necessary to allow Mr. Bin ‘Attash to make informed decisions as to how to proceed.” The Defense counsel is incorrect in both its characterization of the contracts that OMC has entered into, its purported inability to communicate with its client, as well as the adequacy of the process to provide the accused a fair trial.
- b. Despite stand-by defense counsel’s assertions, there is not one contract for linguist services for this case, but two. (See Attachment A). Stand-by defense counsel should be aware of this because they have requested services from both of them. (See Attachment A). While the Defense may be correct that the Allworld Contract may be the sole contract for Defense team linguists that assist the defense in its communications with their client, the SMC Contract provides robust resources to provide translated documents by the suspense dates set by the Defense counsel for translations
- c. While having a linguist attached to the case refuse to translate a document on 22-24 September timeframe is unfortunate, such an incident is hardly evidence of a systemic failure on the part of OMC to provide linguist support, or evidence that the stand-by defense counsel are unable to communicate with their client. What is important to note, however, was that the Convening Authority’s office did not get notice that this incident had occurred until 6 October; some ten to twelve days after, when a request for a replacement was made. Furthermore, while the stand-by defense counsel may not have always been pleased with their linguists, they have not been without access to a linguist at any point in time after the first linguist was detailed. (See Attachment A).
- d. Defense counsel further claims that on 23 Oct 2008 it submitted an additional request for a linguist to OMC; seeking to accomplish the remainder of the work originally requested on 17 Oct 08, and that “OMC has failed to act on that request despite the defense’s persistent e-mail and telephone contact and with full knowledge that the Court has imposed the translation obligation upon the defense.” (*See Defense Special Request for Relief, para 8*). Despite stand-by defense counsel’s claims to the contrary, the Convening Authority has not failed

to act on this request, and in fact, acted upon this request the very same day it received it. (See Attachment A). It is important to note that the Defense counsel set a suspense date for this specific request for 8 November 2008, and there is no indication, as of the date of this filing, that the translation will not be done by the stand-by defense's suspense date.

- e. The Defense also claims that on 24 Oct 08 it submitted an additional request for a linguist to OMC for new work, and that OMC has not acted on it at the time of this filing. (*See Defense Special Request for Relief, para 9*). This request was forwarded to SMC shortly after it was received (See Attachment A).
- f. Allworld is fully competent to provide document translation services. However, whereas Allworld linguists may be limited to translating a document at a rate of 2000 words per day, equating to roughly a 5 page motion as the Defense claims, SMC, which is the primary contract for document translation services, has far more resources to perform that task, and the ability to "pool" the work to get it done more quickly than Allworld's linguists (which are limited in number and who have other responsibilities to their own respective teams). Despite this distinction, there have been four requests since 17 October by stand-by defense counsel to Allworld for translation of documents; either for a specific translator to translate documents or for one of the other five assigned to the U.S. v Mohammed, et al¹, to perform document translation services. (See Attachment A).
- g. The accused, acting pro se, is free to move this commission for any relief he requests, and may do so in Arabic. He has more than adequate resources in order to accomplish filing motions with the commission. Stand-by defense counsel have had access to a linguist since the first one was assigned to them shortly after they were detailed, and fail to make any compelling argument that ties their alleged lack of adequate linguist resources to their ability to file law motions or communicate with their client. Furthermore, the Prosecution has not discovered any items recently that would require the translation of these documents to occur at such a date so close to the filing date for law motions.
- h. Because of the indefinite nature of their request, and because they have been provided adequate resources since they were detailed, the Prosecution respectfully requests that the military judge deny the stand-by defense counsel's request for an indefinite continuance, and objects to having the detailed defense counsel be permitted to file motions without the accused's consent (for the same concerns the Prosecution articulated in its response to D-038, and will not be reiterated herein).

5. **Oral Argument:** The Prosecution does not request oral argument.

¹ Although the prosecution does not have awareness of what the particular documents are, presumably the requested documents are not privileged, as the Defense requested a particular linguist or any linguist assigned to U.S. v Mohammed, et al from Allworld.

6. **Witnesses:** None.
7. **Additional Information:** None.
8. **Attachments:**
 - i. Attachment A-Declaration by SSG Scott of the Convening Authority.
9. **Submitted by:**

By: //s/
Clayton Trivett, Jr.
Prosecutor
U.S. Department of Defense

DECLARATION

I, Staff Sergeant Andrea Denise Scott, hereby declare to the following:

1. My name is Staff Sergeant Andrea Denise Scott and I work at the Office of the Convening Authority, Office of Military Commissions. One of my responsibilities is to forward requests for linguists services to the two companies that have contracted with OMC to provide such services.
2. The Convening Authority has two separate contracts with organizations to provide linguist and translation support for OMC; Allworld Language Consultants, Inc (“Allworld”) (which primarily provides the defense team interpreters, for U.S. v. Mohammed et. al.) and SM Consulting, Inc. (which primarily provides document translation services and defense team interpreters for non HVD cases and all in court simultaneous interpreters).
3. Allworld Language Consultants, Inc has approximately six interpreters and were contracted with primarily to provide cleared linguists to assist the defense teams in communicating with the High Value Detainees (“HVD”s) clients.
4. SM Consulting, Inc (“SMC”) has had a contract with OMC since 8 March 2008 and is a far larger company that has contracted with OMC to translate documents classified up to the TS/SCI level.
5. For translation or linguist services, Defense counsel must make a written request for the services they require and forward them to the Convening Authority for action. The Convening Authority checks to see if the request was filled out correctly, to include the classification level of the request, and then forwards it to the company; which will acknowledge receipt of the request in an email to the Convening Authority and the detailed defense counsel.
6. The Defense counsel controls which company it requests services through, the requested suspense date for the translations, and has the ability to request a specific translator to translate the documents. As of the date of this filing, the Convening Authority’s office has never been informed that either of the companies has missed a suspense date for document translation request.
7. All requests for written translations of documents, whether it be through the defense team linguists from Allworld, or the translation teams at SMC, must be a separate request through the Convening Authority’s office as the translations require a quality control check from other linguists.

8. Between 2 May 2008 and 28 October 2008, the Convening Authority's office has received and responded to at least fourteen separate requests for linguist support or translation services from standby-defense counsel (or their paralegals) for Mr. Bin 'Attash.
9. On 2 May 2008, at 1117 hours I received a request for translator services from LNC [REDACTED], requesting [REDACTED] to travel with team Bin Attash and team Bin al Shibh to Guantanamo Bay, Cuba for a client visit from 14-15 May 2008. This request was addressed to ALC (Allword, Inc.).
10. On 2 May 2008, at 1126 hours I received a request for translator services from LNC [REDACTED], requesting [REDACTED] to travel with team Bin Attash and team Bin al Shibh to Guantanamo Bay, Cuba for a client visit from 19-23 May 2008. This request was addressed to ALC (Allword, Inc.).
11. On 28 May 2008, at 1317 hours I received a request for translator services from Capt Christina Jimenez, requesting [REDACTED], be allowed to travel with team Bin Attash to Guantanamo Bay, Cuba for a client visit and arraignment from 2-6 June 2008. This request was addressed to ALC (Allword, Inc.).
12. On 28 May 2008, at 1637 hours I received a request for translator services from Capt Christina Jimenez, requesting [REDACTED], be allowed to travel with team Bin Attash to Guantanamo Bay, Cuba for a client visit and arraignment from 2-6 June 2008. This request was addressed to ALC (Allword, Inc.).
13. On 12 June 2008, at 1022 hours I received a request for translator services from LNC [REDACTED], requesting [REDACTED], be allowed to travel with team Bin Attash to Guantanamo Bay, Cuba for a client visit from 24-26 June 2008. This request was addressed to ALC (Allword, Inc.).
14. On 2 July 2008, at 1455 hours I received a request for translator services from SSG [REDACTED] on behalf of team Bin Attash, requesting [REDACTED] be allowed to travel to Guantanamo Bay, Cuba for a client visit and hearing from 7-12 July 2008. This request was addressed to ALC (Allword, Inc.).
15. On 22 July 2008, at 1121 hours I received a request for translator services from LNC [REDACTED], requesting [REDACTED] be allowed to travel with team Bin Attash to Guantanamo Bay, Cuba for a client visit from 5-7 August 2008. This request was addressed to ALC (Allword, Inc.).
16. On 1 August 2008, at 1546 hours, I received an email from LNC [REDACTED] [REDACTED], canceling [REDACTED] services for 5-7 August 2008.

17. On 12 August 2008, at 1014 hours, I received a request for translator services from LNC [REDACTED], requesting [REDACTED] be allowed to travel with team Bin Attash to Guantanamo Bay, Cuba for a client visit from 26-28 August 2008. This request was addressed to ALC (Allword, Inc.).
18. On 28 August 2008, at 1648 hours, I received a request for translator services from LNC [REDACTED], requesting [REDACTED] be allowed to travel with team Bin Attash to Guantanamo Bay, Cuba for a client visit from 9-11 September 2008. This request was addressed to ALC (Allword, Inc.).
19. On 3 September 2008, at 1555 hours, I received an email from LNC [REDACTED] requesting [REDACTED] be extended for one additional day because of logistical issues from 9-12 September 2008. This request was addressed to ALC (Allword, Inc.).
20. On 8 September 2008, at 1002 hours, I received an email from LNC [REDACTED] requesting [REDACTED] be allowed to travel with team Bin Attash to Guantanamo Bay, Cuba for a client visit and hearing from 20-29 September 2008. This request was addressed to ALC (Allword, Inc.).
21. On 6 October 2008, at 1328 hours, I received an email from LN3 [REDACTED] informing me that he was the assigned paralegal for team Bin Attash and had a few questions about [REDACTED] security clearance.
22. On 6 October 2008, at 1337 hours, I replied back to LN3 [REDACTED], letting him know that I don't handle security clearances and that he needed to put in a formal request in writing to switch interpreters. I also told him that he needed to call me. He called me shortly there after and I informed him that he needed to talk to his attorneys and get clarification on switching interpreters.
23. On 6 October 2008, at 1347 hours, I received an email from LN3 [REDACTED] requesting [REDACTED] be switched with [REDACTED] and [REDACTED] be allowed to travel with team Bin Attash to Guantanamo Bay, Cuba for a client visit from 14-16 October 2008. This request was addressed to ALC (Allword, Inc.).
24. On 6 October 2008, at 1416 hours, I received an email from [REDACTED] Director of Business Development for Allword, Inc., who needed clarification on a few things from team Bin Attash.
25. On 6 October 2008, at 1444 hours, I forwarded [REDACTED] comments to team Bin Attash.
26. On 6 October 2008, at 1617 hours, I received an email from Capt Christina Jimenez, stating that team Bin Attash will use [REDACTED] services from 14-16 October 2008 and it will be their last time using him. She also

indicated that she would like to use [REDACTED] for team Bin Attash in the near future and further indicated why [REDACTED] is not working out for team Bin Attash.

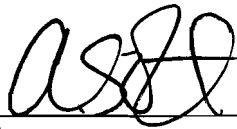
27. On 6 October 2008, at 1701 hours, I received an email from [REDACTED], outlining Capt Jimenez's request for new translator and that [REDACTED] will be the new primary POC for translators for Allword, Inc.
28. On 6 October 2008, at 1709 hours, I forwarded all emails from that day pertaining to team Bin Attash to Ms. [REDACTED] and LTC [REDACTED], to keep them informed.
29. On 14 October 2008, at 0944 hours, [REDACTED] sent me and Mr. [REDACTED], Office of Military Commissions Security Manager an email, requesting to move forward with the replacement candidate for Mr. [REDACTED].
30. On 17 October 2008, at 1431 hours, I received an email from Capt Christina Jimenez, requesting [REDACTED] services from 17 October 2008 until completion for 30 documents to be translated and to communicate with a witness from 21-22 October 2008. This request was addressed to ALC (Allword, Inc.).
31. On 17 October 2008, at 1457 hours, [REDACTED] sent me an email to inform that she had been working with [REDACTED] on security clearances and that because of a delay in the indoctrination of Mr. [REDACTED] may preclude him from traveling on 21 October 2008. On 17 October 2008, at 1501 hours, Capt Jimenez clarified the request on 21-22 October 08 were for unclassified matters.
32. 23 October 2008, at 0914 hours, I received an email from Capt Christina Jimenez requesting two to three translators to translate 287 pages by 8 November 2008. This request was addressed to SMC (SM Consulting, Inc.). Defense counsel claims that on 23 Oct 2008 it submitted an additional request for a linguist to OMC and that "OMC has failed to act on that request despite the defense's persistent e-mail and telephone contact and with full knowledge that the Court has imposed the translation obligation upon the defense" is incorrect. The Convening Authority has not failed to act on this request, and in fact, acted upon this request the very same day it received it. It is important to note that the Defense counsel set a suspense date for this specific request for 8 November 2008, and there is no indication, as of the date of this filing, that the translation will not be done by the stand-by defense's suspense date.
33. 24 October 2008, at 1040 hours, I received an email from LN3 [REDACTED], requesting [REDACTED] or any translator assigned to the five accused in U.S. vs. KSM, et al to translate 46 pages by 8 November 2008.


This request was addressed to ALC (Allword, Inc.). The Defense also claims that OMC has not acted on it at the time of this filing (Which was Friday, 24 October). (*See Defense Special Request for Relief, para 9*). This request was forwarded to SMC shortly after it was received (See Attachment A).

34. On 24 October 2008 [REDACTED] obtained his Top Secret/SCI clearance
35. 27 October 2008, at 1511 hours, I received an email from Capt Christina Jimenez, requesting [REDACTED] or any translator assigned to the five accused in U.S. vs. KSM, et al to translate 15 pages by 3 November 2008. This request was addressed to ALC (Allword, Inc.).
36. 27 October 2008, at 1653 hours, I received an email from Capt Christina Jimenez, requesting [REDACTED] or any translator assigned to the five accused in U.S. vs. KSM, et al to translate 26 pages by 3 November 2008. This request was addressed to ALC (Allword, Inc.).
37. 28 October 2008, at 1114 hours, I received an email from Capt Christina Jimenez, requesting [REDACTED] translate 18 pages by 3 November 2008. This request was addressed to SMC (SM Consulting, Inc.).
38. To my knowledge every one of the defense requests for linguists services that I received from stand-by defense counsel (or their paralegals) for Mr. Bin Attash have been acted upon by the contracting company in a timely manner. To my knowledge the stand-by defense counsel has never been without access to a linguist in the performance of their duties. I have not been notified of any instance where the Defense counsel's requests were not met.

I am making this declaration in a free and voluntary manner and fully understand its contents and that it is true and correct to the best of my knowledge.

Dated this 31st day of October, 2008.



Signature


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